

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.9612 OF 2004

Revati Prakash Nerurkar .. Petitioner.
Vs.
Girish Prabhakar Nadkarni & Ors. .. Respondents.

Mr.M.V.Limaye for the petitioner.

CORAM : D.B.BHOSALE, J.

DATED : 9TH DECEMBER, 2004

P.C.:

. Heard Mr.Limaye, learned counsel for the petitioner.

2. This petition is directed against the order dated 23.9.2004 by which the application filed by the respondent-defendant seeking amendment to the written statement has been allowed. The amendment sought by the defendant reads thus:

(20-A) In the plaint, the plaintiff has raised a contention that the shares standing in the name of defendant nos.1 and 2 are benami and late Prabhakar Waman Nadkarni was the real owner of the said shares. These defendants, therefore,

submit that the plaintiff is not entitled to raise such type of claim, as the same is barred by the provisions of "Benami Transactions (Prohibition) Act, 1988. Therefore, the present suit of such nature is barred by the provisions of law and the same is liable to be dismissed forthwith".

3. Considering the nature of amendment and the reasons recorded by the learned Judge while allowing the application, I find no reason to exercise extremely limited jurisdiction under Article 227 of the Constitution of India to interfere with the impugned order. The writ petition, therefore, fails and is dismissed as such.

(D.B.Bhosale, J.)